

(as of Jan08)

The Absence of Accountability in the Federal Judiciary Has Led to Above-the-Law Judges and The Consequent Abuse of Power and Corruption

In the 219 years since the adoption of the Constitution in 1789, only 7 federal judges have been impeached and removed from the bench. At present, federal judges ensure their unaccountability by systematically dismissing any complaints against any of them: Out of the 7,462 judicial complaints filed from 1997 to 2006 they only disciplined 9 of their own! Indisputably, neither the nomination by the President of a person for a judgeship nor the confirmation by the Senate confer incorruptibility upon the nominee, particularly in a process that from start to end is dominated by political considerations. If left to the normal course of events, the 2,184 persons with ordinary virtues and flaws that currently hold judicial office would in principle exhibit the same ratio present in the American adult population: 1 in 31 is in jail or prison or under parole or on probation. If so, 70 judges would be in such condition, but none is!

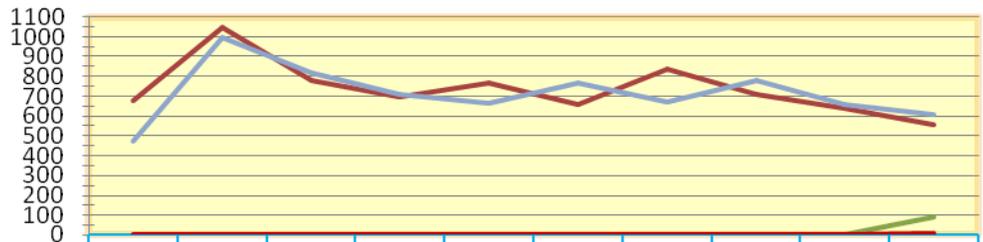
Their immunity to those statistics is the result of having entrusted judges with a system of judicial self-discipline, which they have abused through self-exemption from any discipline. Thereby they have reinforced a mentality of impunity among that class of ordinary people who learn that only one of them is removed from office every 31 years on average, a period longer than that of the tenure of most judges. They can behave in reliance on the historically established fact that once they become judges they will not suffer any adverse consequence from engaging in the type of conduct or exhibiting the condition by which they classify the complaints against them, to wit: bias or prejudice, abuse of judicial power, conflict of interests, bribery or corruption, disregard for the rule of law or the facts, abusive language, undue delay, or mental or physical disability that renders the judge unable to discharge all the duties of office. No complaint sticks because through its dismissal they self-grant immunity from even investigation.

These official statistics are known to the Supreme Court Justices and to the chief circuit judges and those district judges who by law must consider the complaints and compile the underlying data as members of the circuit judicial councils and the Judicial Conference. So much so that such Conference, presided over by the Chief Justice and constituting the Judiciary's highest policy-making body, since it became the last appellate resort for judicial complaints 27 years ago has issued only 17 decisions! In a society as litigious as the American, this could likewise result only from an intentional, coordinated practice by the judges to block appeals from even reaching the Conference. Thereby the top judges of the Federal Judiciary have sent an unequivocal message and all judges have received it: Their misconduct will not even be considered so their judicial power is absolute. That is the kind of power that corrupts absolutely.

These facts beg the question that the articles at <http://Judicial-Discipline-Reform.org> begin to answer through the presentation of evidence: To what extent has an inherently biased judges-judging-judges system of judicial discipline caused a federal judgeship to become a safe haven for coordinated 'bad, even unethical and illegal Behaviour' of ordinary people driven by the two most insidious motivators: absolute power and lots of money in controversy? To answer it, the articles propose a multidisciplinary project to journalistic or research organizations and law enforcement agencies, as well as to college students, who are most idealistic and uncompromised and whose still forming system of values it could shape positively and enduringly: a Watergate-like *Follow the money!* investigation inspired by the prospect of exposing judicial misconduct so as to set in motion a process of judicial discipline reform aimed at bringing a democratic society ever closer to the lofty goal of "Equal Justice Under Law".

Number of Complaints Filed by Complainants and Systematically Dismissed by Chief Judges and Judicial Councils Between '97 and '06

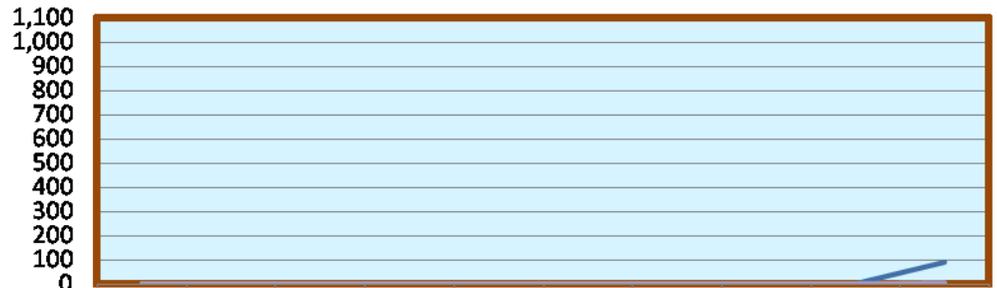
Number of complaints:



	97	98	99	00	01	02	03	04	05	06
— filed by complainants	678	1,049	781	695	766	656	835	712	642	555
— filed by chief judges	1	2	0	1	0	1	0	0	0	88
— dismissed by chief judges & judicial councils	477	995	820	710	663	770	673	781	661	609
— referred to Judicial Conference	0	0	0	0	0	0	0	0	0	0
— special investigating committees appointed[†]	0	0	0	0	0	0	0	0	0	7

Judicial Councils' Action Against Complained-about Judges From 1997-2006

Number of complaints



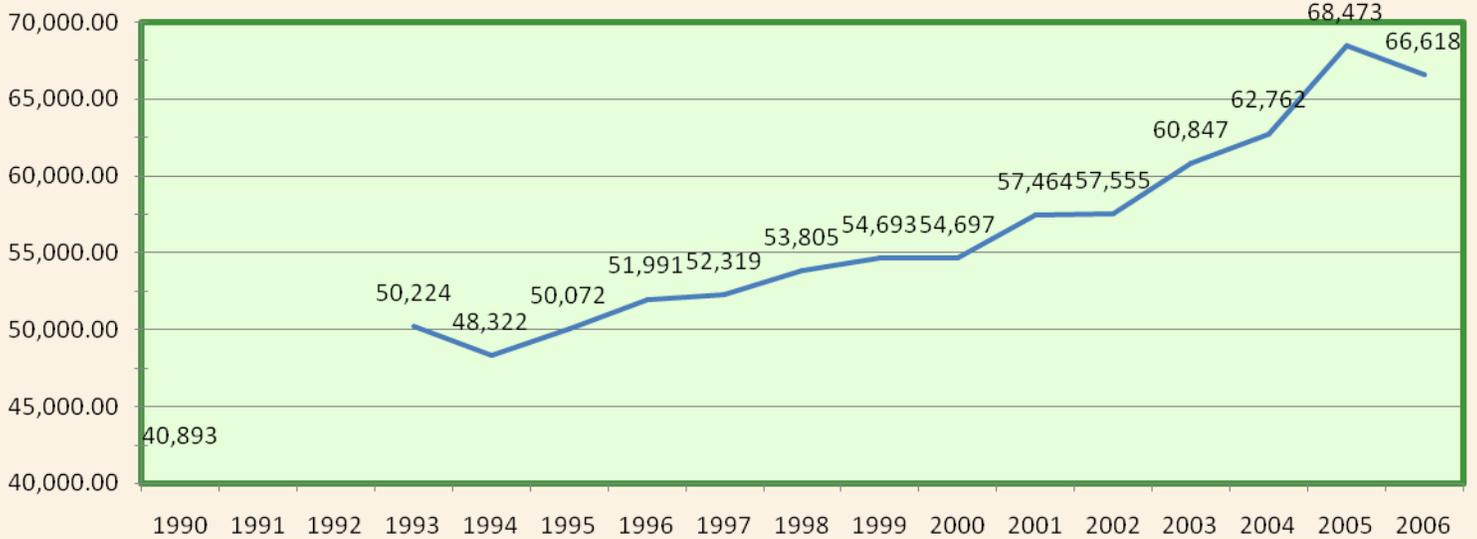
	97	98	99	00	01	02	03	04	05	06
— filed by chief judges	1	2	0	1	0	1	0	0	0	88
— directed chief district judge to take action (magistrate judges only)	0	0	0	0	0	0	0	0	0	1
— certified disability	0	0	0	0	0	0	0	0	0	0
— requested voluntary retirement	0	0	0	0	0	0	0	0	0	0
— ordered temporary suspension of case assignment	0	1	0	0	0	0	0	0	0	0
— privately censured	0	0	0	0	1	0	0	0	0	0
— publicly censured	0	1	0	2	0	2	0	0	0	0
— ordered other appropriate action	0	0	0	0	0	0	1	0	0	0
— referred complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0
— special investigating committees appointed[†]	0	0	0	0	0	0	0	0	0	7

Source: Tables of the Adm. Off. of the U.S. Courts; collected in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf

Cases Filed in the Supreme Court Between 93-06 showing a 33% increase



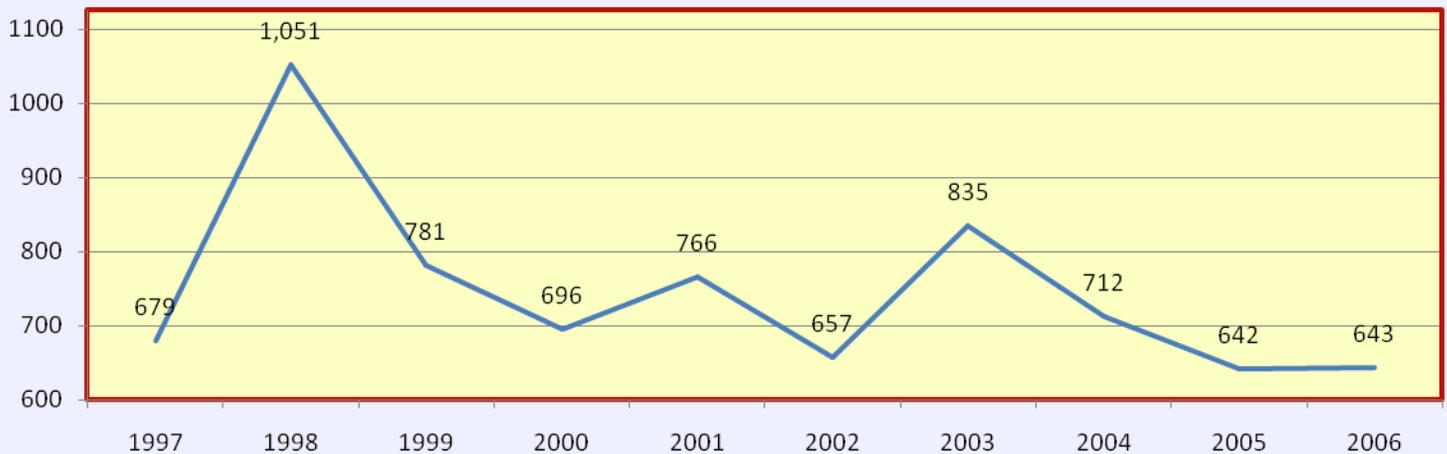
Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase



Cases Filed in Bankruptcy Courts Between 90-06 Showing a 138% Increase at Peak



Complaints Filed Between 97-06 Showing a *Decrease of 5%*



[Footnotes in the originals]

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

* REVISED. [regarding complaints pending]

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDGES. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Source: For Tables 1, 2, and 6, Judicial Business of U.S. Courts, 1997-2006 Annual Reports of the Director, Administrative Office of the United States Courts.

For Tables 3, 4, 5, 2005-2006 Judicial Facts and Figures, Administrative Office of the U.S. Courts.

The original Tables are collected and reproduced in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf, wherein they are accompanied by links to the originals.

Tables 1, 2, and 6, supra, report on complaints filed and processed in the Federal Circuit, the District of Columbia, the 1st-11th circuits, the U.S. Claims Court, and the Court of International Trade. (Cf. 28 U.S.C. §§351(d)(1) and 363)

†The category “Special Investigating Committees Appointed” first appears in the 2006 Table.

The number of cases in Tables 3-5 do not even include cases filed with Article I courts, which are part of the Executive, not the Judicial, Branch, such as the U.S. Tax Court, established in 1969 (after it was created as the Board of Tax Appeals in 1924 and its name was first changed to Tax Court of the U.S. in 1942). Another such court is the U.S. Claims Court, established as an Article I court in 1982, and renamed U.S. Court of Federal Claims in 1992. Likewise, the U.S. Court of Veterans' Appeals was established as an Article I court in 1989 and then renamed the Court of Appeals for Veterans Claims in 1998.

They too support the conclusion to be drawn from these statistics: The significant increase in cases filed with these courts every year attests to the litigiousness of the American society. They belie the judges' report that in the '97-'06 decade Americans have filed a steady number of complaints against them hovering around the average (after eliminating the outlier) of only 712 complaints. The explanation lies in the first footnote in the originals, above: Judges have arbitrarily excluded an undetermined number of complaints. The fact that they have manipulated these statistics is also revealed by the first table above: After 9 years during which the judges filed less than one complaint a year, they jumped to 88 in 2006...and that same year it just so happened that complainants filed the lowest number of complaints ever, 555! *Implausible!* Yet, the judges did not discipline a single peer, just one magistrate.